IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.218 OF 2007
IN
C.R.NO.89 OF 2006

Kamal Sovan Mehta ...Applicant.

Versus

The State of Maharashtra ...Respondent.

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Ms.Anjali Patil, Adv. for Applicant.
Mr.S.R.Shinde, APP, for State.

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CORAM : SMT.V.K.TAHILRAMANI,J.

DATED : 22nd March, 2007.

P.C.:

1. Heard the learned Advocate for the Applicant-orig.accused No.1 and the learned APP for the State.

2. The applicant is seeking bail in C.R.No.89 of 2006 of CID, EOW, Unit-IV. The said C.R. is mainly under Section 420, 487 of IPC.

3. It is the prosecution case that the applicant along with other accused persons cheated the complainant for more than Rs.14 lacs under the pretext that they would get him job abroad and

induced him to part with the money.

4. The learned APP has stated that the applicant and other accused persons have similarly cheated Surendrasingh Jahagir Singh and Daljeet Singh by using the same modus operandi.

5. From the material on record it appears that the applicant along with his associates are running a big racket of cheating many people of huge amount under false pretext that they would get them jobs abroad.

6. The learned Advocate for the applicant has stated that the investigation is complete and no purpose would be achieved by keeping the applicant in custody. She has further stated that the applicant is gainfully employed in Sahara News Channel hence he is not likely to abscond. As far as this statement is concerned, the learned APP has pointed out that as per letter dated 17.3.2007 received by the Investigating Officer from Sahara News Channel, the Sahara News Channel is terminating the services of the applicant.

7. The learned Advocate for the applicant has further submitted that the matter is triable by a Magistrate. Even assuming that the matter is triable by a Magistrate, in the case of **Jasdeep Singh Bains Vs. State of Union Territory Chandigarh**, reported in **2004 Cri.L.J. 2318**, it is observed that even though offence is triable by Magistrate, it is not mandatory to grant bail in all cases triable by a Magistrate. The ratio laid down in this case is applicable to the present case.

8. In this view of the matter, this is not a fit case to grant bail. Application is rejected.

(SMT.V.K.TAHILRAMANI,J.)